

REMARKS

Claims 6-9 have been cancelled and new claims 10-29 have been added. Support for the new claims is found throughout the Specification and at least at Paragraphs [0002], [0005], and [0007]. Claims 1-5 were previously cancelled. Following this amendment, Claims 10-29 are pending. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

SPECIFICATION

The specification stands objected to for certain informalities due to the Preliminary Amendment submitted March 12, 2004. Applicant requests that the Examiner cancel the Preliminary Amendment of March 12, 2004. As such, the objection to the specification is moot. Reconsideration and withdrawal of this objection are respectfully requested.

As suggested by the Examiner, Applicant has amended Paragraph [0005] of the originally filed Specification to add the reference characters in the description in compliance with 37 C.F.R. 1.121(b). No new matter has been entered.

DRAWINGS

The drawings stand objected to for certain informalities. As suggested by the Examiner, Applicant has amended Paragraph [0005] of the Specification to add the reference characters in the description in compliance with 37 C.F.R. 1.121(b). Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 6-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claims 6-9 have been cancelled by the present amendment. Accordingly, the §112 rejection is moot. Reconsideration and withdrawal of the rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pell et al. (U.S. Pat. No. 4,850,348) and by Davies (U.S. Pat. No. 4,977,894). The rejections are respectfully traversed. Claims 6-9 have been cancelled by the present amendment. Accordingly, the §102 rejections are moot.

New claims 10-29, however, incorporate subject matter from Claims 6-9. Accordingly, Applicant submits the following arguments in response to Pell et al. and Davies.

Pell et al. discloses an endotracheal tube and use thereof to intubate a patient. (Column 6, lines 55-59 and Abstract). Pell et al. discloses that the endotracheal tube "must be as short as possible" (Column 1, lines 59-20) and further discloses that the "excess length of tubing that extends beyond the bite piece is then severed." (Column 2, lines 15-16). Pell et al. further discloses that the open end of the tube is positioned just below the vocal cords. (Column 4, lines 12-17).

Pell et al. does not disclose, however, Applicant's catheter having a length extending to the trachea – past the vocal cords. Pell et al. also does not disclose extending the catheter beyond the patient's head and mouth. Additionally, Pell et al. does not disclose removing an obstructive material from the patient and the related systems for removing and containing the obstructive material. Accordingly, Pell et al. does not disclose each and every limitation of Applicant's new claims 10-29.

Davies discloses an endotracheal tube that deposits a topical anesthesia to prevent the coughing or gagging reflex. (Column 1, lines 15-23 and Column 1, lines 53-57). Davies does not disclose, however, removing an obstructive material from the patient and the related systems for removing and containing the obstructive material. Davies also does not disclose Applicant's suction system including the catheter, the reservoir, and the wall suction. Accordingly, Davies does not disclose each and every limitation of Applicant's claims as amended.

Because neither Pell et al. nor Davies discloses each and every limitation of Applicant's claims as amended, Applicant submits that new claims 10-29 are patentable over the disclosure of Pell et al. and Davies.

CONCLUSION

Applicant submits that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. If the Examiner believes that personal communication

will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 
David L. Suter, Reg. No. 30,692

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

DLS/SDJ/tp/kq